West Virginia Libraries

WEST VIRGINIA LIBRARIES

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CONTENTS

THE POWERS GRANTED TO PUBLIC LIBRARY BOARD..... 2

NEWS FROM THE FIELD 6

REPORT OF THE BECKLEY MEETING 10

TREASURER'S REPORT 12

THE AWARDS AT BECKLEY 14

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THE POWERS GRANTED TO PUBLIC LIBRARY BOARDS

BY
OMAR BACON, LIBRARIAN
HUNTINGTON PUBLIC LIBRARY

Agencies of government frequently find that achieving the powers granted them by their initial and subsequent legislation is often a long and difficult procedure. This is especially true where a new agency is given authority previously exercised by another governmental unit. The experiences of the Cabell-Huntington Library Board in this respect may be of interest to public libraries throughout the state.

West Virginia's major public libraries were initiated and operated as projects of the local school systems. They were considered for many years as integral aspects of the educational program. In practice, however, public schools have frequently found a conflict of interest in favor of formal education to the detriment of sound public library service, despite notable examples in the United States to the contrary. In West Virginia, Ohio County found it expedient to create by special legislation an autonomous Library Board in 1937. Charleston, with the encouragement of the Kanawha Board of Education, did the same in the Legislature of 1957.

The Huntington Public Library, though begun as a part of the public school system, like the above mentioned libraries, has had a somewhat different experience. It was operated as a department of the public schools until 1945. In that year the County Court became a partner with the Board of Education in support of the Library. Also in 1945, an Advisory Board was appointed by the Board of Education. This Advisory Board was most active in expanding the services of the Library and in securing more money from both levying bodies, as well as in getting the City of Huntington to become the third fiscal partner.

In 1949 the Advisory Committee achieved the forging of an agreement among the three levying bodies which provided for Board appointees from each of the levying bodies. This agreement further provided that the newly created Board of Directors "shall have such authority and exercise such powers as set out by the said statute of the State of West Virginia". There has always existed, however, a question in the minds of the members of the levying bodies as to how much authority was granted the Library Board.

A situation developed in 1957 which moved the Board of Directors of the Huntington Public Library to seek clarification of the State law. The crisis occurred when both the Cabell County Court and the Board of Education put restrictions on their budget contributions, making efficient operation of the Library very difficult. The County Court reduced

its contribution to the Library by $7,000. When the Library Board indicated that reduction of support would mean reduction of services to the two branch libraries, the County Court specified that $16,000 of its contribution must be used for operating the branches and the bookmobile and so marked it in the budget document. The Board of Education granted an increase in its support but specified that the increase be used for non-personnel items. The Library's real need was for more personnel to meet an ever increasing rise in public use.

The Cabell-Huntington Library Board requested the Prosecuting Attorney of Cabell County to ask the Attorney General for an opinion on whether or not contributing bodies to public libraries organized under the general law may earmark the funds they contribute. The Attorney General issued a ruling on September 11, 1957, which has application for all public libraries organized under the general library law, W. Va. Code 1955, Chapter 10, Article 1. The ruling, omitting only the Prosecuting Attorney's letter and the quotation of the law is as follows:

> The basic question is: May a "governing authority" condition the expending of its appropriation by specifying the manner in which the money is to be spent and by specifying the object upon which the money is to be expended, or on the other hand, does such discretion rightfully lay with the library board of directors, that is, the discretion to specify how the appropriations shall be spent.
>
> We believe the statute (Article), when read in its entirety, leads to the conclusion that the Legislature granted to the board of directors the power to specify the expenditure of appropriated funds.
>
> Our conclusion is based on the broad and comprehensive language of Section 6, above quoted, wherein it is unequivocally stated that the board of directors shall "Supervise the expenditure of all money credited to the library fund." Further, "All money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, and shall be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of other funds of such governing authority." (Emphasis supplied.)
>
> In addition the board of directors is granted the power to "Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such library; and have supervision, care, and custody of the grounds, rooms or building constructed, leased or set apart for library purposes."

The board likewise has the power, pursuant to Section 6, to "Employ a head librarian".

At this point it is well to amplify that word "employ" carries with it the common understanding that compensation is implied. (See Words and Phrases, Volume 1r, pp. 496-498.)

It is our opinion that if the above quoted language, which authorizes supervision of expenditures, leasing and purchasing, and power of employment, is to be accorded any meaning whatsoever, the plain interpretation of such would be that the board may exercise such powers without any restrictions being imposed by the donating governing authorities, or else the powers given to the board are meaningless.

In Section 9 the board,after being made a corporation, and given the usual powers to contract, sue and be sued, plead, etc., is also given the power to have vested in it the title to bequests or donations of cash or other personal property to be held in trust and controlled by the board.

We believe that all of the above shows a clear intendment on the part of the Legislature to rest in the board of directors the supervisory and administrative powers including the power to specify expenditure of funds.

We are not at all unmindful of the powers of the "governing authority" (county court,county board of education or the governing body of a municipality). Such governing authority has the power to establish, equip and maintain a public library. The statute reads on to say that "any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the general funds of the governing authority of a sum sufficient for the purposes, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of section sixteen, article eight, Chapter eleven." And nowhere do we find any powers of the governing authority which delimit or are in derogation of the powers given to the board in Section 6.

Heretofore we have discussed the statutory basis of powers of both the "governing authority" and of the "board". Let us speculate a moment on a situation where, as in Cabell, two governing authorities are involved. The power to specify a division of appropriations between, for example "personal services" (by name) and " other current expenses" would carry with it the ultimate,though perhaps ridiculous, power to say that all appropriated funds shall go for certain current expenses, and none for personal services. When carried to the extreme this

practice would render nugatory the various powers (and duties) given to and imposed on the board as set out in Section 6.

The governing authority, by statute, may remove a director for "just cause". Therein lies the remedy for incompetance of directors,as well as in judicious selection, and not in precise supervision and direction of the board of directors, which it appears, has had reposed in it by the Legislature the power to administer and operate a public library with funds deposited in the treasury of the governing authority to the credit of the "library fund" and subject to the certified requisition of the library board.

Though the ruling makes very clear that public library boards have full jurisdiction over use of funds contributed by levying bodies for library purposes, it still leaves necessary a program of education among members of the levying bodies to help them understand the relationship between the library boards and themselves. This understanding will come more quickly if the general public also understands the role of each in providing a community with quality library service. In Cabell County three Friends of the Library groups are actively promoting better understanding of the organization of the Library and the community's need for improved service.

SALES REPORT

"West Virginia Authors"

As of now, some 55 copies of the Association's Publication #2, "West Virginia Authors" have been sold. Orders have been received from some of the major research libraries in the United States-among them the Universities of Illinois, Indiana, North Carolina, and Pennsylvania.

Does your library have a copy?

NEWS FROM THE FIELD

PUBLIC LIBRARIES

BLUEFIELD PUBLIC LIBRARY

Bluefield's first Book Fair was held in November sponsored by the Bluefield Branch of the Association for Childhood Education. Members of the Bluefield Branch of the American Association of University Women also assisted at the Fair. The opening event of the Book Fair was an Authors Banquet held at the West Virginian Hotel. Kermit Hunter, author of the historical dramas, Horn Into the West, Unto These Hills, and many others, was master of ceremonies. Speakers included Claude L. Settlemire, Director of the Roanoke, Va. Public Libraries; Dr. Lawrence Thompson, Director of the University of Kentucky Library, Lexington, Ky.; and Harold W. Apel, Head Librarian at Marshall College in Huntington and WVLA President. In addition to promoting an interest in books, the Book Fair stirred up an interest to improve Bluefield's Public Library.

BROOKE COUNTY LIBRARY

A Book Fair displaying all kinds of children's books was held during Book Week. The Community Affairs and Education Departments of the Wellsburg Junior Woman's Club sponsored the Fair.

CEREDO - KENOVA PUBLIC LIBRARY

Reference Books valued at $1,300 were received from the Library Commission. The Library is sponsored by the Kenova Woman's Club, and Mrs. Fred H. Brown is chairman of the Library Board.

HUNTINGTON PUBLIC LIBRARY

A highlight of Book Week activities was a speech by Mrs. Eulalie Ross, Director of Youth Work at the Cincinnati, Ohio Public Library, who spoke on "Your Child and Books." The meeting was co-sponsored by the Friends of the Library of Cabell County, the Junior Department of the Huntington, Barboursville, and the Milton Woman's Clubs, and the Huntington Junior Chamber of Commerce.

Displays of new children's books and other Book Week activities were located in the Adult Department because repairs on the heating system disrupted operations in the Children's Department.

During the months of October and November twenty-five or more library programs were presented to various community organizations in Cabell County. The Friends of the Library, the Library Board and the Library Staff have all participated in these programs to better acquaint people with the services available at the Library, with present problems, and with ideas for better library service in the years ahead.

A Stenorette dictation tape recorder has been purchased. This will be a great time saver and will mean that correspondence can be kept up-to-date.

Mrs. Sue Alexander of the Barboursville Branch is rapidly improving after suffering a chipped vertebra in her neck, and is now back to work on a part-time basis. Mrs. Russie Ross of the Circulation Department has been granted a sick leave after falling and suffering a broken hip.

Miss Edith Switzer, Reference Assistant for many years, died on November 22 in Kokomo, Indiana, after being away on indefinite sick leave since May. Miss Switzer was a native of Topeka, Kansas. She attended Washburn University at Topeka and De Pauw University of Chicago. She was with the Kansas State Library at Topeka before coming to Huntington. She had been a long time member of WVLA.

KANAWHA COUNTY PUBLIC LIBRARY

The League of Women Voters of Charleston plans to study the past and present facts of the Kanawha Public Library during December.

During Book Week Mr. Winowich, Miss Alderson and Miss Brown took part in two programs. A panel discussion on Children's Book Week over WKAZ took place on Mrs. J.C. Norman's program "Church Women 's News," and a discussion on children's books was part of a program at the Fine Arts Department meeting of the Charleston Women's Club.

Throughout Book Week,classes from various Charleston schools visited the Library. Miss Brown told stories to each group, showed them some of the new books, and explained how they could become borrowers at the Library.

MARTINSBURG PUBLIC LIBRARY

A 25% increase in circulation was reported during the month of October.

A decision was made to install a book drop in front of the City Hall Building housing the Library.

MASON COUNTY PUBLIC LIBRARY

The Purple Hatters, past presidents of the Point Pleasant Junior Woman's Club, recently held a workshop at the Library to make plans for moving the Library to its new location in the Mason County Court House.

MOUNDSVILLE PUBLIC LIBRARY

Several books and pamphlets on child care and guidance have been donated by the Moundsville Chapter of the American Association of University Women.

OHIO COUNTY PUBLIC LIBRARY

A large and modern bookmobile was delivered in November. It will hold 2,500 books, and the interior book space is 18 feet long, and over 6 feet high and 7 feet wide. This Diamond T model also features an improved heating system.

Several staff members have attended various meetings recently. Miss Hansen and Miss Matthews attended a meeting in Steubenville to plan an Ohio Regional Library Organization. Miss Ebeling attended a second discussion of the group planning an Ohio Regional at Cambridge, Ohio. Miss Ebeling and Mrs.Moore journeyed to Wooster, Ohio in October to observe

progress in the construction of a bookmobile.

Miss Ebeling presented new Reading Certificate awards to 49 of the Farm Women's Organizations of Ohio County at their November 12 Achievement Day meeting.

National Book Week was observed with some unusual features. Selections from distinguished books were presented by students from the Zeidman Speech School in the music room of the Library.

The Library has cooperated with Central Catholic High School in making lists for their four years of supplementary and required reading.

Two timely new films have been acquired. One is Walt Disney's Man in Space and the other a popular Christmas film entitled The Littlest Angel.

PARKERSBURG PUBLIC LIBRARY

Members of the Parkersburg Friends of the Library were guests of the librarian, the Friends of the Library, and Library Board in Huntington, Sunday, December 8th. The Parkersburg Friends are eager to vitalize their library and were seeking ways and means of obtaining more public interest and better financing. The afternoon discussion aided all in understanding the problems of library support in West Virginia. Mr. Joel Stern is the chairman, pro tem, of the Parkersburg Friends.

PRINCETON PUBLIC LIBRARY

Committees appointed from the Princeton Junior Woman's Club and Junior Chamber of Commerce met with Mrs. S.T. Bird, Librarian, during November to discuss the needs of the Library. More space is vital. Mrs. Bird reported that a member of the Police Department made shelves for the Library, and was planning to make more in the near future.

ST. ALBANS PUBLIC LIBRARY

Mrs. Elizabeth Estill, formerly Librarian at Charleston High School for 37 years became Librarian at St. Albans on October 1.

ABOUT THE STATE

Mrs. Josephine Hannah, president of Florence Nightingale District No. 4 of the W. Va. Nurses' Association announced recently that complimentary copies of Donovan H. Bond's A Half Century of Nursing in West Virginia will be presented to libraries in the Clarksburg area. The author is an associate professor of journalism at West Virginia University ... Weirton added 43 films to their film service in the past few months ... Libraries throughout the state took part in National Civil Defense Week by displaying books and civil defense leaflets ... The new West Virginia Medical Center features one of the most modern and complete scientific libraries in the eastern U. S. The library is

located on the second floor of the Basic Sciences Building... The Class of 1961 at Moorefield High School donated to the Public Library a copy of Donald Peattie's Rainbow Book of Nature as a memorial to Wayne Wilson ...The Greenbrier County Library and Museum at Lewisburg has reopened after being closed for redecoration of the building. Mrs. William M. Roderick has been appointed Librarian and Mrs. Castle F. Cunningham, Assistant Librarian ... The specifications and plans have been completed for an addition to the Raleigh County Library ... A public Health Library has been established at the Cabell-Huntington Health Center. Mrs. Betty Sturm, secretary to the Health Department Director, will be the librarian ...About 450 books were recently donated to the New Cumberland Swaney Memorial Library ... Mrs. Alderson Fry has begun her duties as Head Librarian at the Waitman Barbe Library replacing Mrs. Adrian Belt ... The Logan Public Library celebrated its 31st year of operation during Book Week.

POSITIONS OPEN

WEST VIRGINIA STATE COLLEGE

Two professional positions are now open. One assistant librarian is needed to take charge of the Reference Department. One assistant librarian is required to take charge of serials and to assist in Reference. Apply to: John E. Scott, Librarian

WEIRTON PUBLIC LIBRARY

Head Librarian for new $300,000 Public Library at Weirton, West Virginia. Annual budget $30,000. Salary $6,000. Prefer man. Must have library degree and some administrative experience. Apply to John A. Jones, Assistant to Manager of Industrial Relations, Weirton Steel, Weirton, West Virginia.

SUMMARY REPORT OF THE BECKLEY MEETING

The West Virginia Library Association held its 1957 Annual Conference at the Beckley Hotel, in Beckley, West Virginia on October 18 and 19.

President	-	Mr. Harold William Apel Marshall College Library Huntington, West Virginia
First Vice-President who shall be President-elect	-	Mr. Nicholas Winowich Kanawha County Public Library Charleston, West Virginia
Second Vice-President	-	Miss Frances Alderson Kanawha County Public Library Charleston, West Virginia
Secretary	-	Mrs. Elizabeth Estill St. Albans Public Library St. Albans, West Virginia
Treasurer	-	Mrs. Alice G. Bauer West Virginia University Library Morgantown, West Virginia

Minor changes in wording of the Constitution and By-laws were voted in the business session on October 19. Principal changes concerned the title of President-elect which was changed to First Vice-President; a change in the period of the membership year to be the same as the calendar year; and resulting changes in wording of sections having to do with dates for the Treasurer's report and the Auditing Committee.

Among resolutions adopted were one recommending that vacation schedules for college librarians be raised to American Library Association standards, one commending the Kanawha County Public Library upon passage of its special bill, and another in tribute to Mr. Vito J. Brenni, who has left West Virginia for advanced study at Columbia School of Library Service.

Among guest speakers were Mr. Richard B. Harwell, Executive Secretary of the Association of College and Research Libraries, subject: Books are Here to Stay; Miss Margaret C. Rehring, Supervisor of School Libraries, Cincinnati, Ohio, subject: Responsibilities of the School Library; Mr. Theodore Waller, Vice-President of the Grolier Society, subject: National Library Week 1958; Mr. Len Arnold, Public Relations Director of the American Library Association, Discussion Leader of a Panel on Publicity Channels for Public Libraries. Other members of the Panel were: Mr. George W. Hodel, General

Manager, Beckley Newspapers Corporation; Mr. Harry Brawley, Director of Public Relations, WCHS Radio-TV; and Mr. Wallace E. Knight, Public Relations, United Carbon Company.

Citations were awarded to Mrs. V. O. Havener, library trustee; to Charles L. Ripper, illustrator and author; and to Dr. Roy Bird Cook, author and scholar.

Four persons were voted honorary membership in the Association in recognition of their contributions to the association and to libraries in West Virginia: Miss Ethel Green, former Librarian of Clarksburg Public Library; Miss Rosa V. Oliver, former Librarian of Marshall College Library; Miss Ida Peters, former Librarian of Parkersburg High School; and Mrs. Otis G. Wilson, former member of the West Virginia State Library Commission.

POSITION OPEN

Senior Catalog Librarian (Assistant Department Head). Must have LS degree and some significant cataloging experience. Salary $5,000. Apply: Librarian, West Virginia University.

WEST VIRGINIA LIBRARY ASSOCIATION

TREASURER'S REPORT

OCTOBER 31, 1956 - NOVEMBER 19, 1957

Balance on hand October 31, 1956		$773.08
RECEIPTS		
27 Institutional Members 1956/57 @ 5.00	135.00	
128 Regular Members 1956/57 @ 2.00	256.00	
35 School Memberships 1956/57 @ 1.00	35.00	
Exhibitors fees Charleston and Beckley	418.00	
Convention Receipts from Charleston	547.77	
2 Subscriptions to W. Va. Libraries	2.00	
54 Regular Members 1958 @ 3.00	162.00	
23 School Memberships 1958	34.50	
10 Copies of W. Va. Authors @ 3.00	30.00	
Convention Receipts from Beckley	587.75	
	2,208.02	2,208.02
		$2,981.10
DISBURSEMENTS		
"West Virginia Libraries" 4 issues	$ 99.58	
Postage	60.04	
Stationery and printing	127.91	
Edwards Bros. for printing W. Va. Authors	198.67	
	486.20	486.20
CHARLESTON CONVENTION		
Meals for convention and rooms for speakers	549.26	
Speakers fees	150.00	
Medals	55.03	
Incidentals for convention	10.14	
Refund to C. Kline for meals	6.00	
	770.43	770.43
BECKLEY CONVENTION		
Meals for convention and rooms for speakers	642.49	
Speakers expenses	132.25	
Medals	58.80	
Convention badges	7.33	
Incidentals for convention	15.09	
4 Refunds on school membership dues 50 cents each	2.00	
	857.96	857.96

EXECUTIVE BOARD EXPENSES

Chancellor Hotel for meals	65.94	
Telephone bills	15.70	
Travel expenses to H. W. Apel	12.09	
Travel expenses to A. Bauer	22.14	
Travel expenses to O. Bacon	6.00	
Travel expenses to M. Bobbitt	16.95	
Travel expenses to N. Winowich	15.66	
Travel expenses to N. Matthews	5.40	
	159.88	159.88

CONTRIBUTIONS

Scholarship fund - Charleston Federal Savings and Loan Association - Bk. No. 3147	56.00	
Total disbursements		$2,330.47
Balance on Hand November 19, 1957		650.63

LOCATION OF FUNDS

First National Bank, Morgantown, West Virginia

Examined and found correct:

Virginia T. Perry

Virginia T. Perry, Chairman
Auditing Committee, W.V.L.A.

Prepared by:

Alice G. Bauer

Alice G. Bauer, Treasurer
W.V.L.A.

WEST VIRGINIA LIBRARY ASSOCIATION RECOGNITION AWARDS

The Citations which appear on the following pages were presented at the October 19th Banquet Meeting of the West Virginia Library Association in Beckley. These awards are presented annually to two or three persons who have made outstanding contributions to the development of scholarship or library service in West Virginia.

WEST VIRGINIA LIBRARY ASSOCIATION RECOGNITION AWARDS

ROY BIRD COOK

A Native of Lewis County
Scholar and Historian, Pharmacist
Member of the Kanawha County Public Library Board of Directors

In 1842 Thomas Jonathan Jackson left Lewis County by stage to enter the United States Military Academy. Four decades and more later, near Weston, another boy came into the world who was destined to become the chronicler of his fellow countain and of much of the history of early West Virginia, while achieving a most distinguished place in the annals of his profession.

Dr. Roy Bird Cook as a "barefoot country boy" came to know the hills and roads and streams that Stonewall Jackson knew as a boy. Dr. Cook had long thoughts,even as a schoolboy, on Jackson's life in Lewis County and his later career. He knew members of Jackson's family. He had long conversations with persons who had known Jackson as a youth about the Mill. His interest expanded into collecting other documents and books written about Jackson.

In 1924 Dr. Cook published the first definitive study of Jackson's formative years, in The Family and Early Life of Stonewall Jackson. This volume, revised in 1948, corrected many errors that had grown up concerning this period of Jackson's life. The documents on which these books are based form a unique body of source materials which have been consulted by all serious biographers of Jackson in recent years.

In 1924 and 1925 two pamphlets were published on the impact of the Civil War and the Spanish American War on Lewis

County. These were followed by a pioneering study on Washington's holdings in West Virginia, and by pamphlets on the early history of Charleston and of Daniel Boone in the Kanawha Valley.

During these years over fifty periodical articles have been published on historical and professional subjects. As pharmacist-historian, Dr. Cook published studies on the history of pharmacy in West Virginia in 1931 and 1946.

A pharmacist since 1905 in Huntington and Charleston, Dr. Cook has for years served as Secretary of the State Board of Pharmacy. In 1955 he was awarded the nation's highest honor in pharmacy, the Remington Honor Medal, given by the American Pharmaceutical Association.

For these services to the State and to the world of books,as an author, friend of authors, scholar and collector, the West Virginia Library Association is proud to present to Roy Bird Cook this award for distinguished achievement.

EMMA COBB HAVENER

In presenting this citation for outstanding contribution to the development of library service in West Virginia, the Awards Committee of West Virginia Libraries could have chosen no one more qualified for such an honor than Mrs. Emma Cobb Havener of the Morgantown Library Commission. Mrs. Havener has been a member of this Commission since its inception in 1928 and has worked diligently for its continuance and improvement. In fact, had it not been for Mrs. Havener's efforts on a number of occasions, and particularly during the depression years, the public library of the City of Morgantown would not now be in existance.

More recently, Mrs.Havener has been the spirited force in obtaining funds for the construction of a new library building to house the present city library. While this building is still in the planning stage, the accumulation of funds for the purpose is most gratifying.

Mrs. Havener's very real belief in the value of making books available to the public and her effort to bring this about through better library service in her community makes her indeed deserving of this tribute.

CHARLES L. RIPPER

Charles L. Ripper, artist, author, naturalist, outdoor enthusiast, son of Pennsylvania's green hills transplanted to West Virginia's lush Ohio Valley.

Among the growing list of juvenile books to help the youth of our age understand the beauty, the intriguing qualities, and the facts of nature, and to instill a love of it, are the works of Charles L. Ripper. As author and illustrator he has superbly portrayed in words and in pictures some of his vast knowledge of nature and nature's animal life. As illustrator he prepared the art work for Song of the Seasons by Addison Webb, a truly magnificent piece of work. William Morrow Company, publisher, was quick to sense the quality of his work and the response of nature lovers everywhere. Next came the illustrations for Scratchy by John Parke, the story of a kitten. Now becoming author as well as illustrator he produced Bats in 1954, Hawks in 1956, and Moles and Shrews this past September. Mr. Ripper as author and illustrator brings to boys and girls his love and knowledge of wild animals and birds in double measure. All his fans are looking forward to the book in preparation on the Weasel family.

Mr. Ripper's success as illustrator and author stems from the combination of a keen mind and great talent of an artist. These two qualities have been sharpened by his rich experiences. The hills surrounding Evans City, Pennsylvania,

provided the setting for his developing kinship with nature. Two years of training at the Art Institute of Pittsburgh gave his talent direction. A year as staff illustrator at the Carnegie Museum of Pittsburgh was a proving ground for his twin loves, nature and art.

Mr. Ripper lives in Huntington with his talented wife, Virginia, and their daughter Elizabeth. He is staff artist for the Standard Printing Company.

The West Virginia Library Association is proud to present this youthful artist of 28 years, Charles L. Ripper, an award for his already noteworthy achievements and looks forward with best good wishes to a greater future as artist and author.